## UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

	)	CHAPTER 13
IN RE	)	CASE NO.: 22-12779-PMM
JANEL DAVIS,	Debtor )	
ALLY BANK,  vs.	Movant )	HEARING DATE: Thursday, September 12, 2024 11:00 A.M.
JANEL DAVIS,	Respondent(s) )	
KENNETH E. WEST	Trustee ) )	LOCATION: 900 Market Street, Suite 400 Courtroom No. 1 Philadelphia, PA 19107

## **MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Ally Bank, by and through their attorney, Regina Cohen, who files this Motion based upon the following:

- 1. The Movant is a corporation having a principal place of business located at 1234 Main, Desoto, TX 75115.
- 2. The Respondent, Janel Davis is an individual with a mailing address at 5141 Keyser Street, Philadelphia, PA 19144, who has filed a Petition on October 18, 2022 under Chapter 13 of the Bankruptcy Code.
- 3. On or about August 24, 2021, Debtor Janel Davis entered into a Retail Installment Sales Contract, involving a loan in the amount of \$41,328.79 for the purchase of a 2018 Volvo XC60 Utility 4D T5 Momentum AWD 2.0L I4 Turbo.
  - 4. The vehicle secured by the Contract has V.I.N. LYV102RK9JB096364.
  - 5. Movant is the assignee of the Contract.

- 6. The above described vehicle is encumbered by a lien with a payoff in the amount of \$28,234.82 plus other appropriate charges as of August 10, 2024 but subject to change. The regular monthly payment is \$730.56 at an interest rate of 9.39%.
- 7. Applying payments received to the earliest payment due, payments have been missed post-petition, since March 23, 2024 in the amount of \$2,928.20, plus all applicable interest, attorneys' fees and costs.
  - 8. The Property has a N.A.D.A. Value of \$18,975.00.
  - 9. The vehicle is not necessary to an effective reorganization.
  - 10. The Movant is the only lienholder of record with regard to the vehicle.
  - 11. Failure to make adequate protection payments is cause for relief from the automatic stay.
  - 12. The Movant has incurred attorney's fees in the filing of this Motion.
  - 13. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted, Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen Regina Cohen Attorney for Movant Suite 500 190 North Independence Mall West 6th & Race Streets Philadelphia, PA 19106 (215) 351-7551